



Ex Parte Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CC Docket No. 95-155 Toll Free Service Access Codes;
CC Docket No. 96-115 Telecommunications Carrier's Use Of Customer
Proprietary Network Information And Other Customer Information
CC Docket No. 17-192 Toll Free Assignment Modernization
CC Docket No. OEA 19-101 Auction of Toll Free Numbers in the 833 Code

Dear Ms. Dortch:

On June 20, 2019 the undersigned of Ignition Toll Free, Noah Rafalko of MessageComm, and John Evancie of 800 Response Information Services LLC met (via telephonic bridge) with Jamie Susskind, Chief of Staff to Commissioner Brendan Carr.

The purpose of this teleconference was to present information about how the removal of geographic routing is impacting toll free numbers and how it will adversely affect the valuation of 833 numbers in the upcoming auction. We provided a general background on the geographic routing of toll free numbers, a description of current impediments to the timely and accurate geographic routing of toll free calls due to wireless carriers' recent withdrawal of support for location aggregators, and highlighted the distinctions between the use of such services by telecommunications service providers (TSPs) and location-based service (LBS) providers.

We reviewed four major distinctions between TSPs and LBS providers:

Source of Information: TSPs route calls using location information obtained from a wireless carrier's core communications systems. On the other hand, LBS providers use location information obtained directly from the handset itself.

Granularity of Information: TSPs use the location of the cell tower to which a given handset is registered; the accuracy of such "coarse" or "fuzzy" location fixes is typically several kilometers and is sufficient to determine the proper termination point for a given call. LBS providers regularly obtain GPS and Assisted GPS-level location fixes whose accuracy can be in the 5 - 10 meter range.



Quantity & Profile of Information: LBS aggregators limit TSPs' location queries to mobile telephone numbers that are actually off-hook at the time of the query and a single query is sufficient to route a call. Compare this single coarse "pinhole" view to that of LBS providers, who receive a steady stream of highly accurate location fixes as long as a handset is powered on.

Disposition of Information: TSPs do not share callers' location with their subscribers; after determining the proper termination point for a given call, its location is discarded. In marked contrast, callers' location information is the LBS providers' bread and butter; the value of their products and services derives from presenting a detailed view of callers' location data to their customers, whose subsequent use of such information is entirely in the latter's hands.

We also noted that the June 14 "Informal Complaint Against AT&T Corporation, T-Mobile U.S., Sprint Corporation and Verizon Wireless for Unauthorized Disclosure and Sale of Customer Location Information" by Georgetown Law Center on Privacy & Technology, New America's Open Technology Institute, and Free Press correctly exempts wireless carriers – and by extension, other telecommunication services providers - from obtaining customers' affirmative consent before using it or sharing it in order to provide service, e.g., originating or terminating calls from or to the customer.

We noted too that the absence of coarse location fixes is having a negative impact on toll-free call completion rates, because the correct termination points cannot be determined for many bona fide calls, thus many calls are routed to the wrong subscriber or location.

We also suggested that the ability to timely and accurately route toll free calls would have a significant impact on the valuation of numbers auctioned from the 833 NPA. Because the ability to share individual numbers among a group of independent customers or to terminate such numbers to many franchisees based upon closest location expands the resource, tailors service to callers seeking to connect with the desired business, allows many businesses access to high quality vanity toll free numbers, and presents a viable business case, the value of each number so used can increase significantly.

This "Shared Use" of high value numbers allows, for example, multiple entities to use 800-LAWYERS, depending on the origination location of the call. Were that number to be used by a single entity, providing services in a single state, the value of that number is diminished. Shared use will significantly increase the value of the most sought-after numbers in the 833 auction.

If the Commission were able to provide assurances to the mobile phone and other originating carriers that they both have the obligation to provide "fuzzy" (rather than precise) location information to toll free service providers and that in doing so they would not be in conflict with privacy protections due to customers, then toll free service providers would be free to offer geographic routing and Shared Use services to customers



with no undue call delay or latency or unnecessary caller interference. In the case of these services “opt in” or “opt out” is not just unnecessary, but also presents a hindrance and possible safety issue to callers, especially those that are operating motor vehicles. The Commission could achieve these goals through rendering a decision with respect to the Petition For Immediate Declaratory Relief or In the Alternative, Petition for Rulemaking, filed October 10, 2018 by 800 Response Information Services, LLC, CC Docket No. 96-115.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruno Tabbi, Jr.", is written over a light blue horizontal line.

Bruno Tabbi, Jr.

cc (via email):

Jamie Susskind